

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Victor Michael Matichko Jr.
Maryssa Anne Matichko
Debtor(s)

Bankruptcy Case No.: 18-24578-JAD
Issued Per June 13, 2019 Proceeding
Chapter: 13
Docket No.: 45 – 6, 43
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 27, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Flagstar Bank, FSB at Claim No. 28 .
- ☒ H. Additional Terms: The secured claim of Capital One Auto Finance at Claim No. 6 shall govern as to claim amount, to be paid at the modified plan terms.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: June 18, 2019

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Victor Michael Matichko, Jr.
 Maryssa Anne Matichko
 Debtors

Case No. 18-24578-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 3
 Total Noticed: 58

Date Rcvd: Jun 18, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 20, 2019.

db/jdb Victor Michael Matichko, Jr., Maryssa Anne Matichko, 130 Winfield Cir,
 Greensburg, PA 15601-6754
 14955297 Barclays Bank, PO Box 8803, Wilmington, DE 19899-8803
 14955298 Best Buy - CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
 14955299 ++CAINE & WEINER COMPANY, 12005 FORD ROAD 300, DALLAS TX 75234-7262
 (address filed with court: Caine & Weiner, PO Box 55848, Sherman Oaks, CA 91413-0848)
 14955301 Capital One Auto Finance, PO Box 259407, Plano, TX 75025-9407
 14989842 +Citibank, N.A., Citibank, N.A., 701 East 60th Street North, Sioux Falls, SD 57104-0493
 14955306 Clearview FCU, PO Box 1289, Coraopolis, PA 15108
 14955309 +Continental Financial Co, 4550 New Linden Hill Rd, Wilmington, DE 19808-2930
 14955313 Fedloan Servicing, PO Box 60610, Harrisburg, PA 17106-0610
 14955315 +First Federal Credit Control, 24700 Chagrin Blvd # 205, Cleveland, OH 44122-5662
 14955317 First Premier Bank, 3820 N Louise Ave, Sioux Falls, SD 57107-0145
 14955316 First Premier Bank, PO Box 5529, Sioux Falls, SD 57117-5529
 14955320 Keith Gjebre, DMD, 510 Pellis Rd # 102, Greensburg, PA 15601-4583
 14976741 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue,
 Pittsburgh, PA 15233-1828
 14955322 +Progressive Insurance, 6300 Wilson Mills Rd, Mayfield Village, OH 44143-2182
 14955323 Security Credit Services, 306 Enterprise Dr, Oxford, MS 38655-2762
 14955324 TBOM/CONTFIN, PO Box 8099, Newark, DE 19714-8099
 14955325 Tempoe LLC, 1750 Elm St Ste 1200, Manchester, NH 03104-2907
 14955326 +Timothy Ruffner, 303 Sycamore St., Vandergrift, PA 15690-1427
 15033449 U.S. Department of Education, c/o FedLoan Servicing, P.O. Box 69184,
 Harrisburg, PA 17106-9184

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr

+E-mail/PDF: acg.acg.ebn@americaninfosource.com Jun 19 2019 02:55:50
 Capital One Auto Finance, a division of Capital On, 4515 N Santa Fe Ave. Dept. APS,
 Oklahoma City, OK 73118-7901
 14955294 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jun 19 2019 02:48:03
 Abercrombie and Fitch - Comenity Bank, PO Box 182789, Columbus, OH 43218-2789
 14955295 E-mail/Text: bankruptcy@rentacenter.com Jun 19 2019 02:49:17 Acceptance Now,
 5501 Headquarters Dr, Plano, TX 75024-5837
 14955296 E-mail/Text: ally@ebn.phinsolutions.com Jun 19 2019 02:47:42 Ally Financial,
 PO Box 380901, Bloomington, MN 55438-0901
 14972220 +E-mail/Text: bnc@atlasacq.com Jun 19 2019 02:47:44 Atlas Acquisitions LLC, 294 Union St.,
 Hackensack, NJ 07601-4303
 14955304 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jun 19 2019 02:48:02 CCB/CHLDPLCE,
 PO Box 182120, Columbus, OH 43218-2120
 14955300 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 19 2019 02:55:48 Capital One,
 PO Box 30281, Salt Lake City, UT 84130-0281
 14964778 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Jun 19 2019 02:56:35
 Capital One Auto Finance, a division of Capital On, P.O. Box 4360, Houston, TX 77210-4360
 14971204 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 19 2019 02:56:11
 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14955302 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 19 2019 02:56:35
 Capital One Bank USA NA, PO Box 30281, Salt Lake City, UT 84130-0281
 14955303 E-mail/PDF: gecsed@recoverycorp.com Jun 19 2019 02:56:31 CareCredit - Synchrony Bank,
 PO Box 965036, Orlando, FL 32896-5036
 14955305 E-mail/Text: bznrc@celticbank.com Jun 19 2019 02:49:22 Celtic Bank Corp,
 268 S State St Ste 300, Salt Lake City, UT 84111-5314
 14955307 E-mail/Text: bankruptcy@clearviewfcu.org Jun 19 2019 02:48:32 Clearview FCU,
 8805 University Blvd, Coraopolis, PA 15108-4212
 14955308 E-mail/Text: bankruptcy@clearviewfcu.org Jun 19 2019 02:48:32 Clearview FCU,
 8805 University Blvd, Moon Township, PA 15108-4212
 14955310 E-mail/Text: ccusa@ccuhome.com Jun 19 2019 02:47:41 Credit Collections USA,
 16 Distributor Dr Ste 1, Morgantown, WV 26501-7209
 14955311 E-mail/PDF: creditonebknofications@resurgent.com Jun 19 2019 02:56:39 Credit One Bank,
 PO Box 98872, Las Vegas, NV 89193-8872
 14955312 E-mail/Text: mrdiscen@discover.com Jun 19 2019 02:47:43 Discover Financial Services,
 PO Box 15316, Wilmington, DE 19850-5316
 14989320 E-mail/Text: cashiering-administrationservices@flagstar.com Jun 19 2019 02:49:03
 Flagstar Bank, FSB, 5151 Corporate Drive, Troy, MI 48098
 14955314 E-mail/Text: bnc-bluestem@quantum3group.com Jun 19 2019 02:49:01 Fingerhut - Webbank,
 6250 Ridgewood Rd, Saint Cloud, MN 56395-2001
 14955318 E-mail/Text: cashiering-administrationservices@flagstar.com Jun 19 2019 02:49:03
 Flagstar Bank, 5151 Corporate Dr, Troy, MI 48098-2639
 14955319 E-mail/Text: bnc-bluestem@quantum3group.com Jun 19 2019 02:49:01 Gettington - Webbank,
 6250 Ridgewood Rd, Saint Cloud, MN 56303-0820
 14966100 E-mail/PDF: resurgentbknofications@resurgent.com Jun 19 2019 02:55:57 LVNV Funding, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14994750 +E-mail/Text: ecfbankruptcy@progleasing.com Jun 19 2019 02:48:43 NPRT0 North-East, LLC,
 256 West Data Drive, Draper, UT 84020-2315

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 3
Total Noticed: 58

Date Rcvd: Jun 18, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14990318 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 19 2019 02:56:14
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14973348 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 19 2019 02:56:37
Portfolio Recovery Associates, LLC, POB 41067, Norfolk VA 23541
14956467 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 19 2019 02:56:13
PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14955321 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jun 19 2019 02:48:03 Petland - Comenity Capital,
PO Box 182120, Columbus, OH 43218-2120
14967374 +E-mail/Text: JCAP_BNC_Notices@jcap.com Jun 19 2019 02:48:51 Premier Bankcard, LLC,
Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud Mn 56302-7999
14984830 E-mail/Text: bnc-quantum@quantum3group.com Jun 19 2019 02:48:11
Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
14984829 E-mail/Text: bnc-quantum@quantum3group.com Jun 19 2019 02:48:11
Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788,
Kirkland, WA 98083-0788
14960338 E-mail/Text: bnc-quantum@quantum3group.com Jun 19 2019 02:48:11
Quantum3 Group LLC as agent for, Sadino Funding LLC, PO Box 788,
Kirkland, WA 98083-0788
14960337 E-mail/Text: bnc-quantum@quantum3group.com Jun 19 2019 02:48:11
Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
14989760 +E-mail/Text: bncmail@w-legal.com Jun 19 2019 02:48:45 Scolopax, LLC,
C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
14955327 E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Jun 19 2019 02:47:38
Verizon, 500 Technology Dr # 300, Weldon Spring, MO 63304-2225
14983966 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jun 19 2019 02:55:58 Verizon,
by American InfoSource as agent, PO Box 248838, Oklahoma City, OK 73124-8838
14955328 E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Jun 19 2019 02:47:38
Verizon, 500 Technology Dr, Weldon Spring, MO 63304-2225
14955329 E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Jun 19 2019 02:47:38
Verizon Wireless, PO Box 26055, Minneapolis, MN 55426-0055
14955330 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jun 19 2019 02:48:03
Victoria Secret - Comenity Bank, PO Box 182789, Columbus, OH 43218-2789
TOTAL: 38

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr FLAGSTAR BANK, FSB
cr* +Atlas Acquisitions LLC, 294 Union St., Hackensack, NJ 07601-4303
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
cr* +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
Pittsburgh, PA 15233-1828
14973050* +Atlas Acquisitions LLC, 294 Union St., Hackensack, NJ 07601-4303

TOTALS: 1, * 4, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 20, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 18, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor FLAGSTAR BANK, FSB bkgroup@kmlawgroup.com
Matthew R. Schimizzi on behalf of Joint Debtor Maryssa Anne Matichko mrs@schimizzilaw.com,
G16143@notify.cincompass.com;lms@schimizzilaw.com;rws@schimizzilaw.com;kmg@schimizzilaw.com
Matthew R. Schimizzi on behalf of Debtor Victor Michael Matichko, Jr. mrs@schimizzilaw.com,
G16143@notify.cincompass.com;lms@schimizzilaw.com;rws@schimizzilaw.com;kmg@schimizzilaw.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

District/off: 0315-2

User: jhel
Form ID: 149

Page 3 of 3
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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system (continued)

S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 6